



RHODE ISLAND

ESSA waiver extension for 2019-20 regarding the 1%
threshold on assessing students using the alternate
assessment



RIDE Rhode Island
Department
of Education

Rhode Island: Initial Waiver Request

Requirement 1 – (§200.6(c)(4)(i)): Submit the waiver request at least 90 days before testing window starts for the relevant subject.

	Examples of Evidence
<p>The State indicated the dates of its alternate assessment testing window, and confirmed that the waiver request was being submitted 90 days prior to the beginning of the testing window.</p> <p><i>For multiple testing windows during the year:</i></p> <p>The State indicated the testing window that is considered to be its summative assessment, and then confirmed that the waiver request was being submitted 90 days prior to the summative assessment testing window.</p>	<p>Rhode Island's assessment window for the Alternate Assessment for Students with Significant Cognitive Disabilities is from April 6, 2020 through May 22, 2020.</p> <p>Ninety days prior to the start of Rhode Island's testing window (January 7, 2020), Rhode Island Department of Education (RIDE) will submit a waiver request to the United States Department of Education for English language arts (ELA), mathematics, and science.</p>

Requirement 2 (A) - (§200.6(c)(4)(ii)(A)): Provide State-level data from the current or previous year that shows the number and percent in each subgroup who took the alternate assessment in the subject area.

	Examples of Evidence
<p>The State provided detailed data on alternate assessment participation for all ESSA required subgroups.</p>	<p>Tables 1-3 provide the number and percent of students tested in each content area at the state level and in each subgroup for both general and alternate assessments in 2018-19.</p>

Table 1: Percent of students who took the alternate assessment overall and by subgroup, mathematics, 2018-19

Subgroup	Total number of students assessed in grades 3-8, 11 (RICAS, SAT, DLM)	Total number of students assessed using the alternate assessment (DLM)	% of students assessed using the alternate assessment
STATE	74,669	933	1.25%
Female	36,296	282	0.78%
Male	38,373	651	1.70%
Students with Disabilities	11,375	932	8.19%
Low Income	36,247	483	1.33%
Migrant	0	0	0.00%
English Language Learners	7,756	101	1.30%
American Indian	551	11	2.00%
Asian	2,465	27	1.10%
Black or African American	6,479	100	1.54%
Hispanic or Latino	19,648	229	1.17%
Pacific Islander	113	1	0.88%
White	42,112	522	1.24%
Two or More Races	3,301	43	1.30%

Table 2: Percent of students who took the alternate assessment overall and by subgroup, English language arts, 2018-19

Subgroup	Total number of students assessed in grades 3-8, 11 (RICAS, SAT, DLM)	Total number of students assessed using the alternate assessment (DLM)	% of students assessed using the alternate assessment
STATE	73,759	933	1.26%
Female	35,970	281	0.78%
Male	38,011	652	1.72%
Students with Disabilities	11,369	932	8.20%
Low Income	35,770	482	1.35%
Migrant	0	0	0.00%
English Language Learners	7,042	101	1.43%
American Indian	548	11	2.01%
Asian	2,422	27	1.11%
Black or African American	6,393	99	1.55%
Hispanic or Latino	19,163	229	1.20%
Pacific Islander	113	1	0.88%
White	42,046	523	1.24%
Two or More Races	3,296	43	1.30%

Table 3: Percent of students who took the alternate assessment overall and by subgroup, science, 2018-19

Subgroup	Total number of students assessed in grades 3-8, 11 (RICAS, SAT, DLM)	Total number of students assessed using the alternate assessment (DLM)	% of students assessed using the alternate assessment
STATE	31,486	414	1.31%
Female	15,446	140	0.91%
Male	16,040	274	1.71%
Students with Disabilities	4,458	413	9.26%
Low Income	14,484	201	1.39%
Migrant	0	0	0.00%
English Language Learners	2,918	44	1.51%
American Indian	235	1	0.43%
Asian	1,016	11	1.08%
Black or African American	2,737	46	1.68%
Hispanic or Latino	8,097	108	1.33%
Pacific Islander	0	0	0.00%
White	18,120	232	1.28%
Two or More Races	1,244	16	1.29%

Requirement 2 (B) - (§200.6(c)(4)(ii)(B)): Provide State-level data from the current or previous year on the overall assessment participation rate for all students and for students with disabilities.

	Examples of Evidence
The State provided detailed data on overall assessment participation rates for all students and for students with disabilities to show that 95% of all students and 95% of students with disabilities participated in state assessments.	Table 4 below shows Rhode Island has met or exceeded the federal guideline of 95% participation rate for all students in all content areas. For 2018-19, Rhode Island's participation rate for students with disabilities was over 95% for both ELA and mathematics and for science, it was 93.48%.

Table 4: State participation rates for all students and for students with disabilities (2018-19)

Content Area	Total Number of students	Number of students assessed	% Participation: all students	Number of students with disabilities	Number of students with disabilities assessed	% Participation: students with disabilities
Math	75,343	73,981	98.19%	11,807	11,375	96.34%
ELA	76,062	74,669	98.17%	11,800	11,369	96.35%
Science	32,513	31,486	96.84%	4,769	4,458	93.48%

Requirement 3 (A) – (§200.6(c)(4)(iii)(A)): Provide assurance that districts over 1.0 percent participation in the alternate assessment followed the state's participation guidelines.

	Examples of Evidence
The state provided an assurance that it has verified that each district with more than 1.0% participation in the alternate assessment followed the state's guidelines for participation.	<p>RIDE identified 29 out of 60 Local Education Agencies (LEAs) that exceeded the 1.00% threshold for either ELA, mathematics, or both. Twenty-seven LEAs out of 60 were over the 1.00% threshold for science. RIDE notified each LEA over the 1.00% and required them to sign and return the LEA Assurances Form. The LEA assured that:</p> <ul style="list-style-type: none"> • IEP teams are trained by the LEA on the Rhode Island Eligibility Criteria for the alternate assessments. • IEP teams correctly identify students with the most significant cognitive disabilities and follow the state criteria and participation guidelines found in the <i>IEP Team Guidance on Eligibility for the Alternate Assessment</i>. • families of students with the most significant cognitive disabilities are informed that the student will participate in the DLM and informs parents of the implications of participation in the DLM as outlined in the IEP Team Assurances Form. • a signed Participation Criteria for Alternate Assessments Form, which includes IEP Team Assurances, is included in the student's record. This form is posted on www.ride.ri.gov/dlm on page 8 of the <i>IEP Team Guidance for Eligibility for Alternate Assessment</i>.

	<ul style="list-style-type: none"> they have a written plan to measure the achievement of at least 95 percent of all students, including students with disabilities, in all grades for which a state assessment is required.
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Requirement 3 (B) – (§200.6(c)(4)(iii)(B)): Provide assurance that any disproportionality in students taking the alternate assessment will be addressed.

	Examples of Evidence
The state provided an assurance that it has verified that each district with more than 1.0% participation in the alternate assessment will address any disproportionality in participation in the alternate assessment.	<p>LEAs are required to address disproportionality among subgroups. This analysis is included in the Action Plan LEAs are required to submit to RIDE by February 28, 2020. The 2020 Action Plan template will require LEAs to evaluate their data from last year and compare it to this year's data.</p> <p>RIDE will continue to address disproportionality in the percentage of students in any subgroup taking the alternate assessments through multiple activities as described in the tiered support system below and in consultation with each LEA. In particular, the following steps address disproportionality concerns:</p> <ul style="list-style-type: none"> Identifying subgroups over-represented in the alternate assessment participation counts at the state level. Providing technical assistance and training to LEA teams in the following areas: <ul style="list-style-type: none"> understanding and applying eligibility criteria correctly using and identifying evidence to make accurate eligibility determinations developing action plans analyzing LEA data to identify areas of disproportionality improving the accuracy of enrollment and special education census data reviewing and providing guidance on LEA-developed training and resource materials reviewing and providing guidance on LEA-developed policies concerning various aspects of the eligibility process Analyzing subgroup data over time to identify trends in subgroup participation. Providing and posting the <i>IEP Team Guidance on Eligibility for the Alternate Assessment</i>. Maintaining and updating alternate assessments resources (www.ride.ri.gov/dlm). Reporting assessment and participation data publicly.

Requirement 4 (A) – (§200.6(c)(4)(iv)(A)): Submit a plan and timeline by which the State will improve the implementation of its participation guidelines, including if necessary, revising its definition of “students with the most significant cognitive disabilities” in future school years.

	Evidence
The state provided a plan and timeline for future school years for improving its guidelines, including its	Below is Rhode Island's definition of a student with significant cognitive disabilities as published in the <i>IEP Team Guidance on Eligibility for the Alternate Assessment</i> . This definition has been in place in Rhode Island since 2015-16.

<p>definition of students with the most significant cognitive disabilities.</p>	<p>The term “significant cognitive disability” is not a separate category of disability. It is a designation given to a small number of students with disabilities for purposes of their participation in the statewide student assessment program. For a student to be considered to have a significant cognitive disability for purposes of participation in the alternate assessment, ALL of the criteria found on page 9 of this document must be true as determined by the evidence collected and considered by all members of the student’s IEP team. <i>(IEP Team Guidance on Eligibility for Alternate Assessments, page 3)</i></p> <p>Rhode Island requires that students who take the alternate assessments meet three criteria. See Attachment 1 for eligibility criteria.</p> <p>Rhode Island’s 2019-20 Plan and Timeline to Improve the Implementation of Participation Guidelines:</p> <p>January – December 2020: technical assistance provided to LEAs.</p> <p>February, 2020:</p> <ul style="list-style-type: none"> • LEA Actions Plans due to RIDE. • Beginning of webinar series covering the following topics: <ul style="list-style-type: none"> • analysis of the state-level 1% data, including disproportionality • analysis of LEA-level data over years, including LEAs that have made progress in reducing the percent of students on the alternate assessment and those who have made changes in processes or policies • understanding the eligibility criteria • using appropriate evidence such as psychological assessments, behavioral assessments, learning inventories, etc., to make accurate eligibility decisions • using the Documentation of Evidence Form, or an LEA-developed equivalent, to ensure that all evidence supporting the eligibility decision is documented • using evidence to develop IEP goals and objectives aligned to the Essential Elements • using evidence to select and evaluate accommodations for the classroom and during state assessments <p>March – April 2020: Upon submission of LEA action plans, RIDE will develop a review and feedback process to help LEAs strengthen their current systems for identifying students for the alternate assessment.</p> <p>August – September 2020: Release of state alternate assessment data. Release of webinar schedule addressing relevant topics pertaining to students with significant cognitive disabilities.</p>
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Requirement 4 (B) – (§200.6(c)(4)(iv)(B)): Submit a plan and timeline by which the State will take additional steps to support and provide appropriate oversight to each LEA that the state anticipates will assess more than 1.0 percent with the alternate assessment.

	Examples of Evidence
The state provided a plan and timeline for additional steps	RIDE will take the following steps to support and provide monitoring for each LEA that exceeds the one percent cap:

it will take to support and provide appropriate oversight of districts expected to assess more than 1.0%.	<ul style="list-style-type: none"> Any LEAs that exceeds the one percent cap will be required to complete and submit an Action Plan to RIDE by February 28, 2020. RIDE will use alternate assessment and IEP data and the LEA's action plan to ensure that each LEA is implementing the assurances appropriately. RIDE will provide training for LEAs on the eligibility criteria and other relevant topics to the alternate assessment beginning in February 2020 (see Requirement 4A).
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Requirement 4 (C) – (§200.6(c)(4)(iv)(C)): Submit a plan and timeline by which the State will address any disproportionality in the percentage of students taking the alternate assessment

	Examples of Evidence
The state provided a plan and timeline for addressing any disproportionality.	<p>LEAs who are significantly over the 1% cap are required to analyze the data by subgroup to determine whether disproportionality exists for students participating in the alternate assessment. LEAs provide this analysis as part of their action plan required by RIDE.</p> <p>Analysis consists of reviewing current and previous years' alternate assessment participation rates to determine if eligibility determinations are consistent regardless of race, gender, economic status, and English Learner status. RIDE also requires LEAs to provide analysis by disability category as a way to identify students who may not meet the eligibility criteria.</p> <p>RIDE analyzed past years' alternate assessment data participation rates, overall and by subgroup to determine whether disproportionality exists for students participating in the alternate assessment and to identify patterns within LEAs.</p> <p>February – April 2020: A more intense monitoring and/or technical assistance plan will be implemented for LEAs who are significantly over the 1% cap and whose data indicate disproportionate representation.</p> <ul style="list-style-type: none"> RIDE is in the process of developing a webinar series to begin in February 2020 regarding eligibility criteria and other topics relevant to making and supporting valid eligibility decisions. RIDE requires that LEAs provide evidence that supports their implementation of the assurances and the activities they outlined in their Action Plan, including evidence of how they are addressing disproportionality. RIDE will work with LEAs to ensure that all plans meet this expectation. <p>April – June 2020: Active monitoring of LEAs and alternate assessment data.</p> <p>August – September 2020: Annual LEA team training workshops that address eligibility for alternate assessment, disproportionality, and using data to make eligibility decisions.</p>

Section 2: Waiver Continuation Requests

Requirements 1, 2(A), 2(B), 3(A), 3(B), 4(A), 4(B), 4(C) [see SECTION 1] – Meet the requirements in paragraph (c)(4)(i) through (c)(4)(iv).

	Examples of Evidence
The state showed that it met each of the requirements 1-4.	<p><i>Requirement 3 (A) – (§200.6(c)(4)(iii)(A)): Provide assurance that districts over 1.0 percent participation in the alternate assessment followed the state’s participation guidelines.</i></p> <ul style="list-style-type: none"> RIDE notified LEAs on December 20, 2019 of the rate of participation in the alternate assessment and required them to sign and return the LEA Assurances form by January 10, 2020. <p><i>Requirement 3 (B) – (§200.6(c)(4)(iii)(B)): Provide assurance that any disproportionality in students taking the alternate assessment will be addressed.</i></p> <ul style="list-style-type: none"> RIDE made changes to the 2020 Action Plan template to require LEAs do the following: <ul style="list-style-type: none"> Use two years of data to identify trends in disproportionality. Provide evidence of that they trained LEA representatives and teachers on the eligibility criteria, Provide evidence that information provided to families explains the ramifications of their child being on the alternate assessment. Provide a description and evidence that the LEA has a coherent plan to review IEPs prior to an IEP Team meeting to discuss eligibility and that they are using a variety of evidence to support each eligibility criteria. RIDE addressed disproportionality in the percentage of students in any subgroup taking the alternate assessments by providing technical assistance in the areas below. In particular, the following steps address disproportionality concerns: <ul style="list-style-type: none"> Identifying subgroups over-represented in the alternate assessment participation counts at the state-level. Technical assistance and training for LEA Special Education Directors and LEA teams were provided in the following areas: <ul style="list-style-type: none"> Understanding and applying eligibility criteria correctly Using and identifying evidence to make accurate eligibility determinations Developing action plans Analyzing LEA data to identify areas of disproportionality Improving the accuracy of enrollment and special education census data Analyzing subgroup data over time to identify trends in subgroup participation. The 2019-2020 <i>IEP Team Guidance on Eligibility for the Alternate Assessments</i> document posted to www.ride.ri.gov/dlm Alternate assessments resources posted to www.ride.ri.gov/dlm. Assessment and participation data are publically reported on:

	<ul style="list-style-type: none"> Assessment Results webpage includes multiple resources for understanding individual score reports, as well as, a link to the Rhode Island Assessment Data Portal: www.ride.ri.gov/assessment-results Rhode Island Report Card website contains information on participation and accountability results for Rhode Island schools: https://reportcard.ride.ri.gov/ <p><i>Requirement 4 (A) – (§200.6(c)(4)(iv)(A)): Submit a plan and timeline by which the State will improve the implementation of its participation guidelines, including if necessary, revising its definition of “students with the most significant cognitive disabilities” in future school years.</i></p> <ul style="list-style-type: none"> Rhode Island published a definition of students with the most significant cognitive disabilities in 2016.
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Requirement 5 - (§200.6(c)(4)(v)): Demonstrate substantial progress toward each component of the prior year’s plan and timeline, which was required under Requirement 4 (C).

	Examples of Evidence
The state showed that it made progress toward its prior year’s plan and timeline.	<p>Progress made during the 2018-19 school year:</p> <ul style="list-style-type: none"> Overall, Rhode Island has reduced the number students taking the alternate assessments. In 2017-18, Rhode Island had 996 (1.32%) students take ELA and mathematics. In the 2018-19 school year, that number dropped by 64 students to 933 (1.25%). Rhode Island has seen reductions in the number of students taking the alternate assessment in several small LEAs. However, there have been more noticeable declines in three of our largest LEAs: <ul style="list-style-type: none"> <i>Woonsocket</i>: from 72 (2.30%) students in ELA/Math in 2017-18 to 61 (1.92%) in 2018-19. <i>Pawtucket</i>: from 52 (1.04%) students in ELA/Math in 2017-18 to 48 (0.98%) in 2018-19. <i>West Warwick</i>: from 48 (2.63%) students in ELA/Math in 2017-18 to 22 (1.18%) in 2018-19. RIDE developed a presentation given during a webinar for the whole state in November 2018. It addressed the following: <ul style="list-style-type: none"> Understanding the eligibility criteria; using appropriate evidence such as psychological assessments, behavioral assessments, learning inventories, etc., to make accurate eligibility decisions; using the Documentation of Evidence Form to ensure alignment between evidence, the IEP, and instructional goals. Rhode Island had planned to provide training on eligibility for the alternate assessment to all LEAs over the 1% however, once RIDE began conversations with several LEAs about training, we learned that there were other challenges to address before we could provide meaningful training on the eligibility criteria. For example, some LEAs did not have a process in place to review eligibility determinations to ensure the criteria were accurately interpreted or applied. Some LEAs did not have a process to support teachers as they reviewed evidence for the criteria or wrote IEP goals. Most LEAs did not have a working knowledge of the Essential Elements so they could not adequately review evidence for

	<p><u>C</u>riteria 2. Identification of these challenges led RIDE to scale back and refocus our efforts to help LEAs address some of these other issues and as a result RIDE offered the following:</p> <ul style="list-style-type: none"> ○ October 2019 RIDE offered additional trainings on the Essential Elements for teachers and administrators ○ In November 2019, RIDE developed and presented to LEA Special Education Directors and Test Coordinators on developing a coherent system of using evidence to write IEP goals, make eligibility determinations, and select and evaluate accommodations for the classroom and state assessment. The presentation also included information on the One Percent Rule, Essential Elements, and reading and interpreting the DLM Student Score Report. • RIDE is making progress with some LEAs and have seen more attention paid to eligibility decision processes overall. • RIDE focused technical assistance efforts on several of the LEAs who had the highest percentages of students participating in the alternate assessment and have seen some improvement, notably: <ul style="list-style-type: none"> ○ <i>Pawtucket</i>: Provided second year of technical assistance to refine their process of evaluating evidence to make eligibility decisions. This district reduced the number of students on the alternate assessment from last year and are now below 1.00% in all content areas. ○ <i>Providence</i>: Began their first year of technical assistance, and found significant issues regarding their IEP processes and the teachers' lack of knowledge about the Essential Elements. The LEA is providing direct professional development and reforms to address some of these areas prior to beginning training on the eligibility criteria. Providence is currently providing training for teachers on the Essential Elements and information on developing goals for IEPs aligned to these standards. ○ <i>West Warwick</i>: Trained teachers using the resources RIDE developed (see Attachment 1) and asked for targeted assistance to calibrate case managers around evaluating evidence used for eligibility decisions. • <i>Woonsocket</i>: Provides weekly IEP-writing workshops for teachers that includes in-depth discussion and professional development on the Essential Elements, goal writing, and selecting accommodations for the classroom and state assessments. This year, they are focusing on establishing an LEA-wide system of collecting and evaluating evidence to support eligibility and accommodations decisions. RIDE provided technical assistance in these areas.
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Attachment 1: Rhode Island Eligibility Criteria for Alternate Assessment

The following is an excerpt from the *IEP Team Guidance on Eligibility for Alternate Assessments* (page 6)

The following three eligibility criteria must be met before a student can participate in the alternate assessments:

1. **Student has a disability, or disabilities, that significantly impacts cognitive function and adaptive behavior.** Review of student records and other evidence indicate a disability or multiple disabilities that prevent the student from meaningful participation in the standard academic core curriculum or achievement of the standards at their enrolled grade level. Additionally, the student's disability causes dependence on others for many, and sometimes all, daily living needs, and the student is expected to require extensive, ongoing support in adulthood.
2. **As documented in the IEP, the student's present levels of academic achievement indicate their ability to make progress through the alternate achievement standards (EEs) and the short term objectives include skills and concepts reflected in the steps found in the alternate achievement standard (EEs) learning maps, and the annual academic goals are closely aligned to grade-level alternate achievement standards.** IEP teams should review the student's present levels of performance, short-term goals and objectives, and the performance targets for the student to ensure that the concepts and skills the student is working on not only reflect the skills and concepts in the EEs but that the short-term goals closely align with the learning maps that will lead to grade-level performance targets.
 - a) The **present levels of performance** described in the IEP:
 - What are the levels of support required by the student in order to make progress through the alternate achievement standards?
 - b) The **short-terms goals and objectives** reflect the skills and concepts contained in the learning map steps.
 - c) The **annual academic goals** are closely aligned to the alternate achievement standards for the student's current grade level.
3. **The student is unable to apply academic, life, and job skills in home, school, and community without intensive, frequent, and individualized instruction and supports in multiple settings.** The student's demonstrated cognitive functioning and adaptive behavior across these settings is significantly below age expectations, even with program modifications, adaptations, and accommodations. This covers the three aspects of learning:
 - a) *What the student needs in order to learn.* In other words, the student **requires** extensive, repeated, individualized instruction and supports from teachers and other professionals.
 - b) *The types of materials required in order for the student to learn.* Materials are significantly modified, customized, and adapted in order to facilitate understanding.
 - c) *How the student demonstrates their learning.* His or her need for substantial supports to achieve gains in the grade-and-age-appropriate curriculum requires substantially adapted materials and customized methods of accessing information in alternative ways to acquire, maintain, generalize, demonstrate, and transfer skills across multiple settings.

Attachment 2: Eligibility Presentation and Resources for LEAs

- Presentation for Special Education Directors
- Sign-in sheets for Special Education Director meeting
- Link to recording of DLM Score Report presentation
- Documentation Form